

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-187-BO

THEORODE JUSTICE,
Plaintiff,

V.

U.S. DEPARTMENT OF AGRICULTURE,
NORTH CAROLINA DEPARTMENT OF
HEALTH AND HUMAN SERVICES
SECRETARY, and
GRANVILLE COUNTY BOARD OF
COMMISSIONERS,
Defendants.

ORDER

This matter comes before the Court on plaintiff's motions to participate in electronic filing [DE 48], to appoint counsel [DE 49], and to amend the case caption [DE 54].

BACKGROUND

Plaintiff brought this *pro se* action against the U.S. Department of Agriculture, the North Carolina Department of Health and Human Services Secretary, and the Granville County Board of Commissioners, challenging the calculation of his Supplemental Nutrition Assistance Program benefits. Plaintiff's amended complaint voluntarily dismissed all claims against the U.S.

Department of Agriculture. [DE 27].

DISCUSSION

Motion to Participate in Electronic Filing

Plaintiff moves to participate in electronic filing via CM/ECF. [DE 48]. Except for the option of receiving documents electronically, the Local Rules and the Electronic Case Filing Administrative Policies and Procedures Manual ("Policy Manual") do not permit a *pro se*

plaintiff to participate in CM/ECF. *See* Policy Manual, Section V.A. Accordingly, plaintiff's motion [DE 48] is denied.

Motion to Appoint Counsel

Plaintiff also moves to appoint counsel. [DE 49]. "[I]t is well settled that in civil actions the appointment of counsel should be allowed only in exceptional cases" *Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975); *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984), abrogated on other grounds by *Mallard v. United States Dist. Court for the S. Dist. of Ia.*, 490 U.S. 296, 300 n.3 (1989). The Court does not find that exceptional circumstances are present in this case. Plaintiff's motion to appoint counsel [DE 49] is denied.


Motion to Amend Caption

In his amended complaint, plaintiff voluntarily dismissed his claims against defendant U.S. Department of Agriculture. [DE 27, ¶ 9]. Plaintiff moves to alter the caption of this case to reflect that change. [DE 54]. Plaintiff's motion is [DE 54] is granted. The U.S. Department of Agriculture is terminated as a defendant in this case.

CONCLUSION

Plaintiff's motions to participate in electronic filing [DE 48] and to appoint counsel [DE 49] are DENIED. Plaintiff's motion to amend the case caption [DE 54] is GRANTED. The Clerk is DIRECTED to terminate the U.S. Department of Agriculture as a defendant in this case.

SO ORDERED, this 7 day of January, 2020.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE